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VERRAGIO, LTD

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

VERRAGIO, LTD

Plaintiff,

v.

KIEU HANH JEWELRY,

Defendant.

) Case No. 8:15-cv-0688 CJC (DFMx)

) **PLAINTIFF'S NOTICE OF  
APPLICATION AND APPLICATION  
FOR DEFAULT JUDGMENT BY  
COURT**

) **DATE: August 3, 2015**

) **TIME: 1:30 p.m.**

) **CTRM: 9B**

) **Hon. Cormac J. Carney**

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on Monday, August 3, 2015, at 1:30 p.m. or as soon thereafter as this matter may be heard before the Honorable Cormac J. Carney, Courtroom 9B of the United States District Court for the Central District of California, 411 West Fourth Street, Santa Ana, California 92701, Plaintiff Verragio, Ltd. (“Verragio”) will present its application for a default judgment against Defendant Kieu Hanh Jewelry (“Kieu Hanh”). The clerk previously entered the default of Kieu Hanh on June 3, 2015.

At the time and place of hearing, Verragio will present proof of the following matters:

1. As a company selling jewelry in Westminster, California, Kieu Hanh is not a minor or incompetent person or in military service or otherwise exempted under the Soldiers’ and Sailors’ Civil Relief Act of 1940;

2. Verragio is entitled to judgment against Kieu Hanh on account of the claims pleaded in the complaint, namely:

(a) Copyright Infringement – Kieu Hanh has sold unauthorized rings that are infringing copies of Verragio’s licensed Insignia-7003 design (Copyright Registration No. VAu 996-688) in violation of 17 U.S.C. §§ 101, *et seq.*;

(b) Willful Copyright Infringement – Kieu Hanh was aware that its conduct constituted copyright infringement and still proceeded with its infringing activities;

3. The amount of judgment sought is the sum of \$163,245 as set forth in Verragio’s memorandum of points and authorities and the declaration of Howard A. Kroll. This amount includes:

(a) \$150,000 in statutory damages for Verragio’s licensed copyrighted Insignia-7003 ring design that was willfully infringed, as authorized by 17 U.S.C. § 504(c); and

(b) an award of attorneys’ fees and costs in the amount of \$13,245.

1           4.     Verragio seeks a permanent injunction enjoining and restraining Kieu Hanh  
2 and its respective agents, servants, employees, successors and assigns, and all other  
3 persons acting in concert with or in conspiracy with or affiliated with Kieu Hanh, from  
4 copying, reproducing, manufacturing, duplicating, disseminating, distributing, or using  
5 copies of Verragio's licensed Insignia-7003 design.

6           5.     Verragio further seeks an Order that all infringing copies of jewelry, and all  
7 molds by which such infringing jewelry was produced, be seized, impounded and  
8 destroyed.

9  
10           This Application is based on this Notice, the accompanying memorandum of  
11 points and authorities, the declarations of Barry Nisguretsky and Howard A. Kroll, the  
12 pleadings and papers on file, and such further written or oral evidence or arguments as  
13 the Court permits.

14  
15 DATED: July 1, 2015

Respectfully submitted,

Tucker Ellis LLP

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19 By: /s/Howard A. Kroll

Howard A Kroll  
howard.kroll@tuckerellis.com  
Attorneys for Plaintiff  
VERRAGIO, LTD

**CERTIFICATE OF SERVICE**

I certify that on July 1, 2015, a true and correct copy of the foregoing was filed with the Court and served electronically. The Notice of Electronic Case Filing automatically generated by the system and sent to all parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules of the Central District of California who have consented to electronic service shall constitute service of the filed document to all such parties.

I further certify that the following party was served by U.S. Mail:

Kieu Hanh Jewelry  
9131 Bolsa Avenue, Suite 203  
Westminster, CA 92683

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on July 1, 2015 at Los Angeles, California.

/s/Susan Lovelace